

Docket No.: 050212-0569

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Manabu SHIOZAKI, et al. : Confirmation Number: 6260
Application No.: 10/764,497 : Group Art Unit: 2872
Filed: January 27, 2004 : Examiner: F. Assaf

For: DIFFRACTION GRATING ELEMENT, PRODUCTION METHOD OF DIFFRACTION GRATING ELEMENT, AND METHOD OF DESIGNING DIFFRACTION GRATING ELEMENT

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Restriction Requirement
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Office Action dated June 29, 2005, the Examiner imposed a Restriction Requirement pursuant to 35 U.S.C. §121, requiring election of either:

Group I. Claims 1 through 75, directed to a diffractive grating; or

Group II. Claims 76 through 78, directed to a method.

If diffractive grating claims 1 through 75 (Group I) is elected, the Examiner further imposed a restriction requirement pursuant to 35 U.S.C. §121, requiring election of one of the following Species:

Species I: Fig. 1;

Species II: Fig. 7;

Species III: Fig. 12; or

Species IV: Fig. 15.

In response, Applicants elect to prosecute Group I, and further elect to prosecute the claims of Species II. In further response, Applicants list claims 30 through 46 as readable on the elected Species II. Favorable consideration of claims 30 through 46 is solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:ntb
Facsimile: 202.756.8087
Date: July 27, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**